

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Case No. 21-21712-CMB
Eustace O. Uku,)
Debtor,) Chapter 13
Eustace O. Uku,)
Movant,) Related Document No. 178-171
vs.)
Charles A. Knoll, Jr.,)
Municipality of Penn Hills,) Hearing Date: 10/13/22 @ 11:00 a.m.
Penn Hills School District,)
County of Allegheny,) Response Due: 09/19/22
Ronda J. Winnecour, Chapter 13)
Trustee, and Mellon Bank)
Community Development,)
Respondents.) Document No.

**AMENDED ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND CLEAR AND DIVESTED OF LIENS, CLAIMS AND ENCUMBRANCES**

AND NOW, this 13th day of December, 2022, on consideration of the **Debtor's Motion to Sell** 8260 Chaske Street, Municipality of Penn Hills, Allegheny County, Pennsylvania **Free and Clear of All Liens and Encumbrances and Claims** to Home Buyers of Pittsburgh, LLC and or its assigns, 1080 Steuben Street, Pittsburgh, PA 15220 for \$42,500.00, after a Zoom Video Conference Hearing held, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for sale of real property free and divested of the interest of the co-owner, the mortgages, liens and judgments of the above-named Defendants, was affected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

(Date of Each service)

August 31, 2022

August 31, 2022

NAME OF LIENOR AND SECURITY

(Name and address of each including description of collateral)

County of Allegheny
Jeffrey R. Hunt, Esquire
GRB Law
525 William Penn Place
Pittsburgh, PA 15219
(*tax lien*)

Municipality of Penn Hills
c/o Jennifer L. Cerce, Esquire
Maiello Brungo & Maiello
Southside Works
424 S. 27th Street, Suite 210
Pittsburgh, PA 15203
(*tax lien*)

August 31, 2022	Penn Hills School District c/o Jennifer L. Cerce, Esquire Maiello Brungo & Maiello Southside Works 424 S. 27 th Street, Suite 210 Pittsburgh, PA 15203 (<i>tax lien</i>)
August 31, 2022	Charles A. Knoll, Jr. c/o David M. Nernberg, Esquire Maurice A. Nernberg & Assoc. 301 Smithfield Street Pittsburgh, PA 15222 (<i>judgment</i>)
August 31, 2022	Ronda J. Winnecour 3250 US Steel Tower 600 Grant Street Pittsburgh, PA 15219 <i>Chapter 13 Trustee</i>
December 7, 2022	Mellon Bank Community Development Corp. 1 Mellon Bank Center Pittsburgh, PA 15258 <i>Mortgage</i>
December 7, 2022	Mellon Bank Community Development Corp. 500 Grant Street, Suite 2850 Pittsburgh, PA 15258 <i>Mortgage</i>

(2) That sufficient general notice of said hearing and sale, together with the Confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion to Sell the fee simple interest. .

(3) That the said hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)* on September 6, 2022, in the Pittsburgh Post-Gazette on September 22, 2022, and in the Pittsburgh Legal Journal on September 23, 2022, as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of **\$42,500.00** offered by Home Buyers of Pittsburgh, LLC was a full and fair price for the property in question for the interest of the Debtor.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with In re: Abbots Dairies of Pennsylvania, Inc., 788 F2d. 143 (3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as 8260 Chaske Street, Municipality of Penn Hills, Allegheny County, Pennsylvania is hereby **CONFIRMED** to Home Buyers of Pittsburgh, LLC and or its assigns, 1080 Steuben Street, Pittsburgh, PA 15220 for \$42,500.00, free and divested of the above recited liens and claims, and, that the Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

IT IS FURTHER ORDERED that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear, and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. **Failure of the Closing Agent to timely make and forward the disbursements required by this Order** will subject the closing agent to monetary sanctions, including among other things, a fine or imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.

- (1) The following lien(s)/claim(s) from the sale proceeds:
- (2) Delinquent real estate taxes; This charge shall be assessed against the sale proceeds;
- (3) Current real estate taxes, pro-rated to the date of closing; This charge shall be assessed against the sale proceeds;
- (4) The costs of local newspaper advertising in the amount of \$100.10; reimbursed to Calaiaro Valencik for the amount of their approved by the Court for legal fees and for all costs and advertising expenses related to this sale. This charge shall be assessed against the sale proceeds;
- (5) The costs of legal journal advertising the amount of \$126.00; reimbursed to Calaiaro Valencik for the amount of their approved by the Court for legal fees and for all costs and advertising expenses related to this sale. This charge shall be assessed against the sale proceeds;
- (6) The legal fees and costs related to the sale to Calaiaro Valencik of \$1,500.00.
- (7) The allowed Chapter 13 Trustee fees of \$1,345.49;

- (8) To the extent there are sale proceeds, all remaining funds shall be paid to Mellon Bank Community Development Corp.
- (9) To the extent there are proceeds, the allowed payoff of the judicial lien of Charles A. Knoll, Jr. at GD-12-007435. The judgment was entered by the court on or about July 14, 2014, against the Debtor in an original amount of \$175,882.08.
- (10) The Debtors "net proceeds" if any, from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "*Ronda J. Winnecour, Ch. 13 Trustee, WDPa, P.O. Box 84051, Chicago, IL 60689-4002*";
- (11) If there is a dispute at time of closing, the settlement officer may pay the undisputed claims at closing to in the order of their priority, and then escrow the balance with Calaiaro Valencik and that amount will be deposited into their IOLTA account until further order of this court.
- (12) This Court reserves the jurisdiction over the sale and the proceeds until they are distributed.

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this Order and within five (5) days following closing, the Movant shall file a report of sale;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) Within five (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Purchaser, and the attorney for the Purchase, if any, and file a certificate of service.

IT IS FURTHER ORDERED THAT the Debtor will file a report of sale within 15 days of the closing. If the original bidder does not close the sale within the time allowed by this sale order, the Debtor will file a notice and status court with this court.

FILED
12/13/22 9:06 am
CLERK
U.S. BANKRUPTCY
COURT - WDPa


dmk
Honorable Carlota M. Böhm
United States Bankruptcy Judge

In re:
Eustace O. Uku
Debtor

Case No. 21-21712-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Dec 13, 2022

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2022:

Recip ID	Recipient Name and Address
db	+ Eustace O. Uku, 214 Farmington Road, Pittsburgh, PA 15215-1633

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 15, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 13, 2022 at the address(es) listed below:

Name	Email Address
Allison L. Carr	on behalf of Creditor Dep't of Revenue Office of Attorney General acarr@attorneygeneral.gov
Allison L. Carr	on behalf of Defendant Pennsylvania Department of Revenue acarr@attorneygeneral.gov
Amanda Grant	on behalf of Creditor PNC Bank N.A. agrant@utbf.com
Andrew Kevin Pratt	on behalf of Debtor Eustace O. Uku apratt@c-vlaw.com kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;akpratt.ecf@outlook.com
Andrew Kevin Pratt	on behalf of Defendant Eustace O. Uku apratt@c-vlaw.com kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;akpratt.ecf@outlook.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Dec 13, 2022

Form ID: pdf900

Total Noticed: 1

Brian Nicholas

on behalf of Creditor Deutsche Bank National Trust Company as Indenture Trustee for New Century Home Equity Loan Trust
2004-1 bnicholas@kmlawgroup.com

David M Nernberg

on behalf of Creditor Charles A. Knoll Jr. dmn@nernberg.com

David M Nernberg

on behalf of Defendant Charles A. Knoll Jr. dmn@nernberg.com

David M Nernberg

on behalf of Plaintiff Charles A. Knoll Jr. dmn@nernberg.com

David W. Raphael

on behalf of Defendant First National Bank of PA raphaeld@fnb-corp.com

David Z. Valencik

on behalf of Debtor Eustace O. Uku dvalencik@c-vlaw.com
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.c
om

David Z. Valencik

on behalf of Defendant Eustace O. Uku dvalencik@c-vlaw.com
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.c
om

Donald R. Calaiaro

on behalf of Defendant Eustace O. Uku dcalaiaro@c-vlaw.com
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.c
om;eballa@c-vlaw.com

Donald R. Calaiaro

on behalf of Plaintiff Eustace O. Uku dcalaiaro@c-vlaw.com
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.c
om;eballa@c-vlaw.com

Donald R. Calaiaro

on behalf of Debtor Eustace O. Uku dcalaiaro@c-vlaw.com
kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;apratt@c-vlaw.com;mpeduto@c-vlaw.com;mlocke@c-vlaw.c
om;eballa@c-vlaw.com

Jeffrey R. Hunt

on behalf of Creditor County of Allegheny jhunt@grblaw.com

Jeffrey R. Hunt

on behalf of Creditor Clairton City School District jhunt@grblaw.com

Jennifer L. Cerce

on behalf of Creditor Penn Hills School District and Municipality of Penn Hills jlc@mbm-law.net

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Kristen Wetzel Ladd

on behalf of Creditor PNC Bank N.A. kladd@utbf.com, nanderson@utbf.com

Mary Bower Sheats

on behalf of Creditor Shelley Fant Mary@mbsheatslaw.com
mbsheats@gmail.com;Sheats@GubinskyLaw.com;G19303@notify.cincompass.com

Mary Bower Sheats

on behalf of Counter-Defendant Shelley L Fant Mary@mbsheatslaw.com
mbsheats@gmail.com;Sheats@GubinskyLaw.com;G19303@notify.cincompass.com

Mary Bower Sheats

on behalf of Counter-Claimant Shelley L Fant Mary@mbsheatslaw.com
mbsheats@gmail.com;Sheats@GubinskyLaw.com;G19303@notify.cincompass.com

Mary Bower Sheats

on behalf of Defendant Shelley L Fant Mary@mbsheatslaw.com
mbsheats@gmail.com;Sheats@GubinskyLaw.com;G19303@notify.cincompass.com

Office of the United States Trustee

ustregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 27